

EXHIBIT

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STATE OF MISSOURI, et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., et al.,

Defendants.

No. 4:21-cv-01300

DECLARATION OF JASON JACKSON

1. My name is Jason Jackson, and I am the Director of the Nebraska Department of Administrative Services. I am also a resident of the State of Nebraska and over the age of majority. I have personal knowledge of the facts in this declaration, and those facts are true and correct to the best of my knowledge.

2. I submit this declaration in support of Plaintiffs' Motion for Preliminary Injunction.

3. The State of Nebraska has various state agencies that are federal contractors and will be directly affected by the federal contractor vaccine mandate that Plaintiff States have challenged in this case.

4. The Nebraska Department of Health and Human Services is a contractor for the federal Centers for Disease Control and Prevention ("CDC"). That Nebraska agency currently has a contract with CDC to provide Vital Statistics Cooperative Program data and to perform special projects related to that program. The amount of this contract exceeds the simplified

acquisition threshold defined in Section 2.101 of the Federal Acquisition Regulation (“FAR”). As a result, it appears that this contract falls within the class of contracts to which the federal contractor vaccine mandate applies.

5. The Nebraska Department of Agriculture is a contractor for the federal Department of Health and Human Services. That Nebraska agency currently has an animal food inspection contract with that federal agency. The amount of this contract exceeds the simplified acquisition threshold defined in Section 2.101 of the FAR. As a result, it appears that this contract falls within the class of contracts to which the federal contractor vaccine mandate applies.

6. The Nebraska Department of Education is a contractor for the federal Department of Education. That Nebraska agency currently has a National Assessment of Educational Progress contract with that federal agency. The amount of this contract exceeds the simplified acquisition threshold defined in Section 2.101 of the FAR. As a result, it appears that this contract falls within the class of contracts to which the federal contractor vaccine mandate applies.

7. The Nebraska Game and Parks Commission is a contractor for the U.S. Army Corps of Engineers – an agency under the federal Department of Defense. That Nebraska agency currently has a contract for endangered species studies with that federal agency. The amount of this contract exceeds the simplified acquisition threshold defined in Section 2.101 of the FAR. As a result, it appears that this contract falls within the class of contracts to which the federal contractor vaccine mandate applies.

8. On October 28, 2021, Nebraska Governor Pete Ricketts issued Executive Order No. 21-16, which is titled “Federal Government’s COVID-19 Vaccine Mandate Interference

in State Government Operations.” A copy of the Executive Order is attached to this declaration.

9. The Executive Order is directed to each “Cabinet executive branch agency” in Nebraska. The Nebraska Department of Administrative Services, under my leadership, is a Cabinet executive branch agency that falls under the Executive Order.

10. According to the Executive Order, the State “recognizes that Nebraskans have individual responsibility and personal freedom over their healthcare decisions and that the decision to receive a COVID-19 vaccination is a personal choice involving medical, religious, and other personal factors.”

11. The Executive Order directs that “[n]o Cabinet executive branch agency shall be a party in any agreement, any contract, any contract amendment, contract renewal, contract addendum, contract modification, grant agreement, lease agreement, memorandum of understanding or agreement that includes any requirement imposing a duty, obligation, or mandate on any person to receive a COVID-19 vaccination.”

12. The Executive Order became “effective immediately and shall remain in effect until specifically rescinded or amended by further Executive Order.”

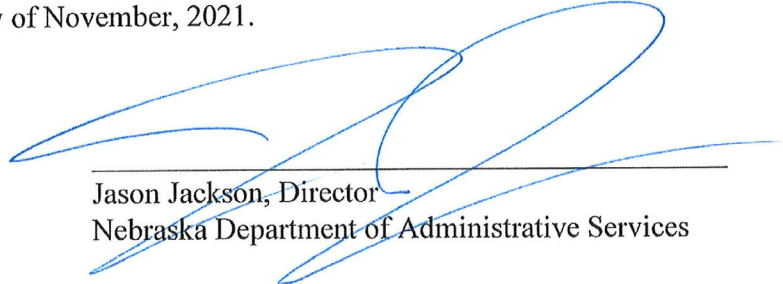
13. Some of the Nebraska agencies with federal contracts mentioned above are “Cabinet executive branch agencies” that are covered by the Executive Order. Those include the Nebraska Department of Health and Human Services and the Nebraska Department of Agriculture.

14. Some of the Nebraska agencies with federal contracts mentioned above are not “Cabinet executive branch agencies” and so they are not covered by the Executive Order. Those include the Nebraska Department of Education and the Nebraska Game and Parks

Commission.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this the 4th day of November, 2021.



Jason Jackson, Director
Nebraska Department of Administrative Services



STATE *of* NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

Executive Order No. 21-16

**Federal Government's COVID-19 Vaccine Mandate Interference in
State Government Operations**

WHEREAS, the State of Nebraska in 2020 implemented a mass vaccination program to combat the spread of the novel COVID-19 virus and over 73% of Nebraskans who are 12 and older are either fully vaccinated or partially vaccinated;

WHEREAS, I have continued to encourage all eligible Nebraskans to get vaccinated against COVID-19;

WHEREAS, the State further recognizes that Nebraskans have individual responsibility and personal freedom over their healthcare decisions and that the decision to receive a COVID-19 vaccination is a personal choice involving medical, religious, and other personal factors;

WHEREAS, individuals are not, nor should they be, mandated by Nebraska state statutes to receive a COVID-19 vaccine;

WHEREAS, the federal government has announced that it will unilaterally impose new vaccination mandates on federal employees, federal contractors, healthcare workers, and those businesses with 100 or more employees; and

WHEREAS, these vaccination mandates demonstrate massive overreach on the part of the federal government, are legally suspect, and should not, in any manner, be construed to flow through to any state government agency contract or those companies with whom state government enters into contracts.

NOW THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, do hereby order and direct the following actions in order to oppose the federal government's COVID-19 vaccine mandate overreach:

1. No Cabinet executive branch agency shall be a party in any agreement, any contract, any contract amendment, contract renewal, contract addendum, contract modification, grant agreement, lease agreement, memorandum of understanding or agreement that includes any requirement imposing a duty, obligation, or mandate on any person to receive a COVID-19 vaccination.
2. All Cabinet executive branch agencies shall immediately notify the Governor's Office if any federal agency attempts to require a COVID-19 vaccination mandate of any kind with regard to any contracts or funding or lease agreements between the state government agency and the federal government.
3. All other executive branch agencies are encouraged to comply with these directives.
4. This Executive Order shall become effective immediately and shall remain in effect until specifically rescinded or amended by further Executive Order.


IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 28th day of October, 2021.





Pete Ricketts, Governor
State of Nebraska

Attest:



Robert Evnen, Secretary of State
State of Nebraska